

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

JAN 25 1984

TO: John Sansbury, County Administrator
Maureen Peterman, County Attorney's Office
Herbert Kahlert, County Engineer
David Bludworth, State Attorney
Max Rudmann, Asst. Attorney General
Captain Cook, Sheriff's Dept.
Frank Schulz, Sheriff's Office
Robert Basehart, Planning, Building & Zoning
Bob Palchanis, Building Division, Director
Assistant County Attorney - *John Corbett*
Mrs. Jody Ingram - 4th District Court of Appeals

DATE: January 24, 1984

FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE NO. 84-1

PALM BEACH COUNTY COMPREHENSIVE PLAN - Third Annual Review

In accordance with the request of the Board of County Commissioners
enclosed is a copy of subject Ordinance.

Signed

Reggie A. House

JwD:lc

Enclosure

cc: Commissioner Evatt
Commissioner Spillias
Commissioner Koehler
Commissioner Wilken
Commissioner Bailey
John B. Dunkle, Clerk
Minutes Department ✓

ORDINANCE NO. 84-1

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 80-8, AS AMENDED BY ORDINANCES NO. 81-27, NO. 82-26 AND NO. 83-5, TO INCORPORATE THE CHANGES FROM THE THIRD ANNUAL REVIEW OF THE PALM BEACH COUNTY COMPREHENSIVE PLAN, PROVIDING FOR: AMENDMENTS TO THE COMPREHENSIVE PLAN; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning Act of 1975, as amended, Section 163.3161, et seq., Florida Statutes, requires each local government in the State of Florida to adopt a Comprehensive Plan to guide and control future development; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to said act, adopted Ordinance No. 80-8 establishing the Palm Beach County Comprehensive Plan; and

WHEREAS, the Comprehensive Plan provides for an annual review to determine the necessity of any changes proposed by the County or members of the public; and

WHEREAS, on July 6 and July 13, 1983, the Board of County Commissioners sat as the Palm Beach County Local Planning Agency to review all proposed changes and made recommendations therein; and

WHEREAS, on July 19, 1983, the Board of County Commissioners adopted amendments to the Future Land Use Element involving less than five (5%) percent of the total land area of unincorporated Palm Beach County pursuant to Section 163.3187 and Section 163.3184(7) (b), Florida Statutes; and

WHEREAS, on October 12, 1983 and October 27, 1983, the Board of County Commissioners held two public hearings on the proposed amendments to the Future Land Use Element involving five (5%) percent or more of the total land area of unincorporated Palm Beach County pursuant to Section 163.3184(7) (c), Florida Statutes; and

WHEREAS, the Board of County Commissioners has considered amendments to the remaining elements of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION I. AMENDMENTS TO THE FUTURE LAND USE ELEMENT
OF THE COMPREHENSIVE PLAN INVOLVING LESS THAN FIVE
(5%) PERCENT OF THE TOTAL LAND AREA OF UNINCORPORATED
PALM BEACH COUNTY.

The Palm Beach County Comprehensive Plan adopted as Palm Beach County Ordinance No. 80-8, as amended by Ordinances No. 81-27, No. 82-26, and No. 83-5, Pages 1-14, Land Use Plan Element, is hereby amended as follows:

A. Beginning on Page 8, the Specific Permitted Commercial And Industrial Locations And Special Land Use Policies And Regulations By Reference Area section is hereby amended to delete the following Special Commercial Potential designations:

1) Area No. 1

Delete Location No. 10

2) Area No. 8

Delete locations No. 9 and No. 10 which were included by Ordinance No. 83-5.

3) Area No. 20

Delete location No. 2.

B. Beginning on Page 8, the Specific Permitted Commercial And Industrial Locations And Special Land Use Policies And Regulations By Reference Area section is hereby amended to add the following Commercial Potential designations:

1) Area No. 7

8. On the north side of 45th Street, approximately 600 feet west of Military Trail for the property more particularly described as follows:

North side of 45th Street approximately 600' west of Military Trail, the east 301.88 feet of Lot 5, less the south 17 feet thereof, of Adams subdivision in Palm Beach County, Florida, according to the plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 20, Page 23. Containing in all 4.00 acres, more or less.

2) Area No. 8

9. A two (2) lot tier commercial potential strip along Westgate Avenue is established for the area enclosed by Cherokee Avenue on the north, Nokomis Avenue on the south, Congress Avenue on the east,

and the section line between Section 25, Township 43 South, Range 42 East and Section 30, Township 43 South, Range 43 East on the west. Any application for any development order must have the following:

a. A minimum frontage of fifty feet (50') along Westgate Avenue, Wabasso Drive, Tallahassee Drive, Seminole Boulevard, Osceola Drive, Loxahatchee Drive; and

b. Access only to the roads listed in a. above; and

c. Where an application includes the secondary tier of lots not fronting on these major roads, it must include an integrated site plan for the entire area. The Board of County Commissioners may permit secondary access from other streets as long as such access has no adverse traffic or neighborhood compatibility impacts.

3) Area No. 16

20. The southwest corner of Congress Avenue and 6th Avenue South for the property more particularly described as follows:

The South 90.02 feet of Tract B and the North 72.50 feet of Tract C, Block 65 of the Palm Beach Farms Company plat No. 7 of Section 30, Township 44 South, Range 43 East, according to the plat filed with the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 5, Page 72, all lying south of the south right-of-way line of 6th Avenue South and west of the west right-of-way of SR 807 (Congress Avenue).

SECTION II. AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN INCLUDING FIVE (5%) PERCENT OR MORE OF THE TOTAL LAND AREA OF UNINCORPORATED PALM BEACH COUNTY.

The Palm Beach County Comprehensive Plan adopted as Palm Beach County Ordinance No. 80-8, as amended by Ordinances No. 81-27, No. 82-26, and No. 83-5, Pages 1-14, Land Use Plan Element, is hereby amended as follows:

A. Page 4, Land Use Plan Map Categories, Reserve Area, is amended by adding a new paragraph at the end of the section to read:

Before County Utilities agrees to extend water or sewer service into the Reserve Area, the Local Planning Agency (LPA) must approve the extension. The LPA shall only approve such extension if it finds that the extension is consistent with the protection of agricultural lands and serves to protect the Reserve Area from encroachment of urban development. Prior to such finding of fact by the LPA, the Planning

1 Division shall request comments within 30 days from the Palm Beach Soil
2 and Water Conservation District and the Cooperative Extension Service.
3 The Planning Division will then prepare a report on the proposed
4 extension for review and consideration by the LPA. The staff report
5 will include any comments received by the Conservation District and the
6 Extension Service. This procedure is consistent with Board policy and
7 direction for the protection of agricultural land and will further serve
8 to protect the Reserve Area.

9 B. Page 4, Land Use Plan Map Categories, Very Low to Low
10 Residential, is amended to read as follows:

11 VERY LOW TO LOW RESIDENTIAL. This category has a standard density
12 of one dwelling unit to two-and-one-half acres (1 du/2-1/2 ac) and
13 extends up to three dwelling units per acre (3 du/ac). The highest
14 densities, however, are reserved only for areas having some portions of
15 the infrastructure available, for example having highways and water
16 service available. Densities between highest and standard should be
17 determined on the a basis of available services ~~even through direct~~
18 ~~Performance Standards are not required outside the USA.~~ This is the
19 highest density area of the non-urban categories.

20 C. Page 5, Land Use Plan Map Categories, Commercial, the second
21 paragraph is amended to read as follows:

22 It should be noted that densities listed in each category are not
23 entitlements insofar as a rezoning petition or PUD application is
24 concerned. As delineated in the Performance Standards section of the
25 Plan, and any rezoning to even the minimum permitted density ~~within the~~
26 ~~Urban Service Area~~ must meet Performance Standards. The areas are
27 designed in such a manner, however, that at least the minimum level can
28 be achieved in most cases.

29 D. Page 5, General Commercial And Industrial Reference Areas
30 And Special Land Use Policies And Regulations, General Policies, No. 8
31 is amended to read:

32 8. In those instances where commercial or industrial areas are
33 described in the text as being "at the intersection," "between two
34 intersections," "along a street" or in other similar manner, the areas
35 intended to be considered shall be determined in accordance with
36

1 provisions of this section of the Comprehensive Plan. In all cases
2 where the term "at an intersection" is used, commercial zoning shall be
3 first located directly at the intersection and subsequent rezoning shall
4 take place on adjoining properties in orderly manner. An intersectional
5 development shown in the plan shall not be interpreted to apply to
6 properties which are not adjacent to the intersection nor to commercial
7 zoning which has expanded from the intersection.

8 Where expansions take place as a result of the designation "at an
9 intersection" or other designations which permit orderly expansion of
10 commercial areas, the expansion shall be limited in size by specific
11 barriers to additional commercial growth. In all cases such expansion
12 shall be limited to the nearest specific barrier from the intersection
13 or other designated point, except where commercial zoning exists beyond
14 the first barrier on the effective date of this Ordinance. In that
15 case, expansion shall be limited to the next specific barrier as defined
16 herein. Thus, commercial expansion shall not proceed beyond any of the
17 following barriers and no zoning petition shall be certified when one or
18 more of the following lies between the petitioner's property and the
19 designated point of commercial potential or limits of commercial zoning
20 which have expanded in accordance with this Ordinance:

- 21 1) Street, either public or private.
- 22 2) Canal, as is shown on the official zoning quad sheet of
23 the County as "canal."
- 24 3) Lake.
- 25 4) Any residential development which has been the subject
26 of a bona fide development order including, but not limited to,
27 subdivisions, planned unit developments, and affidavits of exemption.
- 28 5) Utility transmission easement or right-of-way having a
29 width of 60' or greater.
- 30 6) School, hospital or other public or semi-public
31 building.
- 32 7) Public park, golf course or other major recreational
33 facility.

34 In any case where one of the above barriers establishes the limit
35 of a commercial potential area, the limit shall apply to the opposite
36 side of the street along which expansion is occurring equally as though

1 the limiting street, canal, lake, or other factor extended to both sides
2 of the street having potential.

3 In the Comprehensive Plan, the words "to" "from" and "between"
4 shall be limiting and defined as not permitting development beyond the
5 specific point mentioned.

6 Where commercial and industrial potential language uses the
7 wording "on", "along", or "on the side of" a particular street, it is
8 intended that property meet all development regulations and front on
9 that specific street in order to qualify for zoning certification.
10 Property "on", "along", or "on the side of" intersection streets does
11 not qualify unless specifically referenced.

12 Lots of record existing as of February 2, 1973 having less than
13 100 feet of frontage, but otherwise qualifying under the Plan, may be
14 certified for zoning change if they have common access with adjacent
15 lot(s), and meet the intent of the County's Land Development
16 Regulations.

17 ~~Commercial or industrial areas described in the text as being "at~~
18 ~~an intersection" shall be specifically defined in the Zoning Ordinance~~
19 ~~as to the exact area to be zoned commercial. However, in all such~~
20 ~~cases, commercial zoning shall be first located at the intersection and~~
21 ~~subsequent rezonings shall take place on adjoining properties in an~~
22 ~~orderly manner. An intersectional development shown in the Plan shall~~
23 ~~not be interpreted to apply to properties which are neither adjacent to~~
24 ~~the said intersection nor to existing commercial zoning.~~

25 E. Page 5, General Commercial And Industrial Reference Areas
26 And Special Land Use Policies And Regulations, General Policies, No. 10
27 is amended to read:

28 10. Commercial zoning and uses located within an Industrial
29 Classification, shall be considered to be in conformity with the Plan.
30 This policy applies to commercial zoning or uses existing as of August
31 4, 1980 only. Applications cannot be accepted for commercial "zoning"
32 in an Industrial potential area. Commercial "uses" permitted as part of
33 an Industrial zoning district are allowed and are fully consistent with
34 the Plan.

1 F. Page 5, General Commercial And Industrial Reference Areas
 2 And Special Land Use Policies And Regulations, General Policies, No. 12
 3 is added to read as follows:

4 12. Applications for commercial or industrial zoning may be
 5 certified for purposes of "infilling" when the character of the
 6 surrounding area clearly supports the request. Infill is defined as a
 7 pocket of land with 300' or less of frontage on a major thoroughfare,
 8 located between two existing commercial or industrial districts which
 9 are no greater than 300' apart and are located on the same side of the
 10 street. Generally, the depth of any infill shall be determined upon
 11 review and consideration of the prevailing depth of commercial or
 12 industrial districts in the immediate vicinity.

13 G. Page 12, Performance Standards, Applicability is hereby
 14 amended to read:

15 APPLICABILITY. The following Performance Standards shall be
 16 applied in the case of any change in the Land Use Plan and in the
 17 following zoning changes:

- 18 . Rezoning of any classification to Commercial.
- 19 . Rezoning of any classification to Industrial.
- 20 . Rezoning of any classification to a higher density
- 21 residential category ~~within the Urban Service Area.~~
- 22 . Application in any classification for a commercial or
- 23 industrial PCD or PID.
- 24 . Application in any classification for a residential PUD
- 25 involving PUD or TDR bonuses, ~~within the Urban Service~~
- 26 ~~Area.~~
- 27 . Application for a Special Exception for Commercial and/or
- 28 Industrial uses.

29 H. Page 12, Performance Standards, Performance Standard 1.,
 30 Water Services, is amended by adding paragraph D to read as follows:

31 D. On-site water treatment facilities are discouraged from
 32 being permitted or constructed in order to meet this performance
 33 standard. Such facilities may only be permitted if the appropriate
 34 water utility cannot provide service at the time of application. If
 35 service cannot be provided and an on-site water treatment facility is
 36

1 proposed, the system must be designed and installed in accordance with
2 local utility standards so there will be a takeover of operation and
3 physical incorporation into the appropriate water utility system within
4 a period of three (3) years, unless the Local Planning Agency determines
5 that there is sufficient evidence that a period of greater than three
6 (3) years is justified. In all instances, the applicant must provide
7 written confirmation from the appropriate water utility concerning
8 status of service at the time of application and the capability of the
9 proposed system being brought into the appropriate water utility system
10 within the three (3) year period. Cost of construction and connection
11 to the regional system shall be borne by the developer. Bona-fide
12 agricultural uses are exempt from these requirements.

13 I. Page 12, Performance Standards, Performance Standard 2.,
14 Sewer Services, is amended by adding paragraph D to read as follows:

15 D. On-site sewage treatment facilities, except individual
16 sewage disposal facilities as defined in Environmental Control Rule No.
17 1, are discouraged from being permitted or constructed in order to meet
18 this performance standard. Such facilities may only be permitted if the
19 appropriate sewer utility cannot provide service at the time of
20 application. If service cannot be provided and an on-site sewage
21 treatment facility is proposed, the system must be designed and
22 installed in accordance with local utility standards so there will be a
23 takeover of operation and physical incorporation into the appropriate
24 sewer utility within a period of three (3) years, unless the Local
25 Planning Agency determines that there is sufficient evidence that a
26 period of greater than three (3) years is justified. In all instances,
27 the applicant must provide written confirmation from the appropriate
28 sewer utility concerning status of service at the time of application
29 and the capability of the proposed system being brought into the
30 appropriate sewer utility system within the three (3) year period. Cost
31 of construction and connection to the regional system shall be borne by
32 the developer. Bona-fide agricultural uses are exempt from these
33 requirements.

J. Page 13, Performance Standards, Performance Standard 5., Market Analysis, is amended by adding a second paragraph to read as follows:

The market analysis must consider project feasibility, suitability of commercial use, buying power, trade area, population and competition, including evaluation of any similar applications currently in process. The market analysis should be prepared more in terms of whether or not the proposed area can support commercial, as opposed to whether or not the area needs commercial, "The Shopping Center Handbook" of the Urban Land Institute's Community Builder's Handbook Series, may be used as a guide in developing the market analysis.

SECTION III. AMENDMENTS TO THE TRAFFIC CIRCULATION
ELEMENT OF THE PALM BEACH COUNTY COMPREHENSIVE PLAN
MODIFYING THE THOROUGHFARE RIGHT-OF-WAY PROTECTION MAP.

The Palm Beach County Comprehensive Plan, adopted as Palm Beach County Ordinance No. 80-8, as amended by Ordinances No. 81-27, No. 82-26, and No. 83-5, Pages 35 - 48, Traffic Circulation Element is amended as follows:

A. Pages 40 and 41, The Thoroughfare Right-Of-Way Protection Map is amended by changing the following:

- 1) Change right-of-way for Prosperity Farms Road from RCA Boulevard to Old Dixie from 108' to 80'.
- 2) Change right-of-way for Frederick Small Road from Central Boulevard to Prosperity Farms Road from 108' to 120'.
- 3) Change right-of-way for Frederick Small Road from Prosperity Farms Road to U. S. 1 from 80' to 120'.
- 4) Change right-of-way for Haverhill Road from Okeechobee Boulevard to Southern Boulevard from 108' to 80'.
- 5) Change right-of-way for Indiantown Road from I-95 to Center Street from 160' to 140'.
- 6) Change right-of-way for Lyons Road (Ext.) from Lantana Road to Boynton Beach Boulevard from 120' to 108'.
- 7) Change Lake Worth Road alignment from S.R. 7 (U.S. 441) to University Parkway.
- 8) Change name of 25th Street to Roebuck Road and change alignment from west of Military Trail to Lyons Road.
- 9) Change Hypoluxo Road alignment from Florida's Turnpike to S.R. 7 (U.S. 441).
- 10) Change alignment of Haverhill Road south of Northlake Boulevard.

- 11) Change right-of-way for 45th Street from Haverhill Road to I-95 from 160' to 120'.
- 12) Change right-of-way for Old Dixie Highway from Port Road to 45th Street from 108' to 80'.
- 13) Change name of Spencer Drive to Village Boulevard.
- 14) Change right-of-way for South end of Village Boulevard from Palm Beach Lakes Boulevard to Okeechobee Boulevard from 120' to 80'.
- 15) Change right-of-way for Congress Avenue from Palm Beach Lakes Boulevard to 45th Street from 120' to 108'.
- 16) Change right-of-way for U.S. 1 from 45th Street to Dixie Highway from 108' to 80'.
- 17) Change right-of-way for Okeechobee Boulevard from Florida's Turnpike to Palm Beach Lakes Boulevard from 160' to 140'.
- 18) Change right-of-way for Southern Boulevard from I-95 to Parker Avenue from 80' to 120'.
- 19) Change right-of-way for Southern Boulevard from I-95 to Military Trail from 220' to 200'.
- 20) Change right-of-way for 10th Avenue North from Pinehurst Road to Jog Road from 108' to 80'.
- 21) Change right-of-way for Military Trail from Okeechobee Boulevard to Lake Worth Road from 120' to 106'.
- 22) Change right-of-way for El Clair Ranch Road from Delray West Road to Boynton Beach Boulevard from 120' to 108'.
- 23) Change name of Meridian Trail to St. Andrews Boulevard, and change its alignment to conform to existing alignment.
- 24) Change right-of-way for Palmetto Park Road from Florida's Turnpike to S.R. 7 (U.S. 441) from 200' to 140'.
- 25) Change right-of-way for 25th Street from Australian Avenue to Tamarind Avenue from 80' to 120'.
- 26) Change alignment of Central Boulevard north of PGA Boulevard to reflect the existing alignment.
- 27) Change right-of-way for Lyons Road (Ext.) from Southern Boulevard to Okeechobee from 80' to 120'.
- 28) Change right-of-way for Lyons Road (Ext.) from Okeechobee Boulevard to Roebuck Road from 80' to 108'.
- 29) Change right-of-way for Alt. A-1-A from Northlake Boulevard to Lighthouse Drive from 160' to 110'.
- 30) Change right-of-way for Alt. A-1-A from Lighthouse Drive to PGA Boulevard from 160' to 108'.
- 31) Change Special Lanes to Urban Interchange at University Drive and S.R. 7 (U.S. 441).
- 32) Change Special Lanes to Urban Interchange at Belvedere Road and Australian Avenue.
- 33) Change right-of-way for Congress Avenue from Okeechobee Boulevard to I-95 from 120' to 80'.

- 34) Change right-of-way for Congress Avenue from Summit Boulevard to 6th Avenue South from 120' to 106'.
- 35) Change name of Boynton West Road to Boynton Beach Boulevard.
- 36) Change right-of-way for Haverhill Road from Southern Boulevard to Hypoluxo Road from 108' to 80'.
- 37) Change right-of-way for S.R. 7 (U.S. 441) from Glades Road to the South County Line from 240' to 200'.
- 38) Change right-of-way for Australian Avenue from Belvedere Road to Okeechobee Boulevard from 120' to 108'.

B. Pages 40 and 41 The Thoroughfare Right-Of-Way Protection Map is amended by adding the following:

- 1) Add Roebuck Road from Lyons Road to S.R. 7 with 108' right-of-way.
- 2) Add 45th Street - Florida Turnpike Interchange as an alternate to the Beeline Highway - Florida Turnpike Interchange.
- 3) Add Indian Creek Parkway from Military Trail to Central Boulevard with 120' right-of-way.
- 4) Add Old Dixie Highway from Northlake Boulevard to Park Avenue with 80' right-of-way.
- 5) Add Benoist Farms Road from Belvedere Road to Okeechobee Boulevard with 80' right-of-way.
- 6) Add Cresthaven Boulevard from Jog Road to Military Trail with 80' right-of-way.
- 7) Add Lawrence Road from Boynton Beach Boulevard to South 15th Avenue with 80' right-of-way to extend the existing road in conformance with plat.
- 8) Add Boca Rio Road from S.W. 18th Street to Glades Road with 80' right-of-way.
- 9) Add Drexel Road from Belvedere Road to Okeechobee Boulevard with 80' right-of-way.
- 10) Add Northlake Boulevard from 1 mile west of S.R. 7 to 4 miles west of S.R. 7 with 120' right-of-way.
- 11) Add 181st Street from Cain Boulevard to S.R. 7 with 80' right-of-way.

C. Pages 40 and 41, The Thoroughfare Right-Of-Way Protection Map is amended by deleting the following:

- 1) Remove Loxahatchee River Road from Center Street to Indiantown Road.
- 2) Remove Blue Heron Boulevard from Beeline Highway to Jog Road.
- 3) Remove 12th Street from Haverhill Road to S.R. 7 (U.S. 441).
- 4) Remove Palmetto Park Road from University Parkway to South County Line.

- 5) Remove Tamarind Avenue from 25th Street to 45th Street.
- 6) Remove Cain Boulevard from N.W. 181st Street to Clint Moore Road.
- 7) Remove Clint Moore Road from S.R. 7 (U.S. 441) to Cain Boulevard.
- 8) Remove N.W. 51st Street from U.S. 1 to A-1-A.
- 9) Remove Sherwood Forest Boulevard from Melaleuca Lane to Lake Worth Road.
- 10) Remove Urban Interchange at Military Trail and Glades Road.
- 11) Remove Interchange at I-95 and Congress Avenue.
- 12) Remove Miner Road from Lake Osborne Drive to Seacrest Boulevard.
- 13) Remove Special Lanes at Flavor Pict Road and Jog Road.

D. Page 41, The Thoroughfare Right-Of-Way Protection Map, Map 12, is replaced by the new Map 12, attached to this Ordinance, which reflects the changes enumerated in subsections A, B, and C above.

SECTION IV. AMENDMENT TO THE INTERGOVERNMENTAL
COORDINATION ELEMENT OF THE PALM BEACH COUNTY
COMPREHENSIVE PLAN.

The Palm Beach County Comprehensive Plan, adopted as Palm Beach County Ordinance No. 80-6, amended by Ordinances No. 81-27, 82-26, and 83-5, Page 73, Intergovernmental Coordination Element is hereby amended by amending the provisions added to the end of the Implementation Section by Ordinance No. 82-26 to read as follows:

In cases where a waiver for zoning change is requested by a municipality in conjunction with the requirements of Chapter 171, Florida Statutes, the following policies shall be used by the Board of County Commissioners in evaluating the request.

1. Prior to receiving a waiver, the municipality shall have either:

a) annexed the property in question and shall have
amended its Comprehensive Plan to include the property for which the
waiver is requested; or

b) held first reading on an ordinance or ordinances
approving the annexation, the Comprehensive Plan amendment, and the
zoning amendment for the area proposed for annexation. At that time,

1 the municipality may submit the request for waiver to the County. No
2 final reading and action shall take place until such time as the Board
3 of County Commissioners has responded to the waiver request.

4 2. The Board of County Commissioners may find the proposed
5 waiver compatible with the plan if:

6 a) The uses and/or densities in the municipal plan
7 for the area have no significant impact (as defined in the Comprehensive
8 Plan or other adopted ordinances) on County systems, or

9 b) Where performance standards adopted as part of the
10 County's Comprehensive Plan or other adopted ordinances, are fully met
11 in terms of their impact on County systems, or

12 c) Where the municipality agrees that performance
13 standards equal to those adopted as part of the County's
14 Comprehensive Plan, or other adopted ordinances, will be fully met
15 simultaneously with development of the annexed area in terms of their
16 impact on County systems.

17 3. The Board also shall determine that the proposed uses
18 and densities are compatible with existing development patterns in
19 unincorporated areas in the immediate vicinity of the annexed area.

20 SECTION V. REPEAL OF CONFLICTING ORDINANCES.

21 All ordinances or parts of ordinances in conflict herewith are
22 hereby repealed to the extent of such conflict.

23 SECTION VI. SEVERABILITY.

24 If any section, paragraph, sentence, clause, phrase, or word of
25 this ordinance is for any reason held or declared to be
26 unconstitutional, inoperative, or void, such holding shall not affect
27 the remainder of this ordinance.

28 SECTION VII. EFFECTIVE DATE.

29 The provisions of this ordinance shall become effective upon
30 receipt of acknowledgment by the Department of State, State of Florida.

1 APPROVED and ADOPTED by the Board of County Commissioners of Palm
2 Beach County, Florida, on this 10th day of JANUARY, 1984.

3
4 PALM BEACH COUNTY, FLORIDA, BY ITS
5 BOARD OF COUNTY COMMISSIONERS

6 By: *Ken Spillie*
7 Chairman

8 Acknowledged by the Department of State of the State of Florida,
9 on this 18th day of January, 1984.

10 EFFECTIVE DATE: Acknowledgment from the Department of State
11 received on this 23rd day of January, 1984, at 11:44A.M. and
12 filed in the Office of the Clerk of the Board of County Commissioners of
13 Palm Beach County, Florida.

14
15 APPROVED AS TO FORM
16 AND LEGAL SUFFICIENCY

17 By: *John Bartlett*
18 County Attorney

COUNTY OF PALM BEACH, STATE OF FLORIDA

CLERK OF CIRCUIT COURT

I, John B. Dunkle, Clerk of the Fifteenth Judicial Circuit Court of the State of Florida and Clerk of the Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of

AN ORDINANCE DESIGNATED AND CITED AS: "An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance No. 80-8, as amended by Ordinances No. 81-27, 82-26 and 83-5, to incorporate the changes from the Third Annual Review of the Palm Beach County Comprehensive Plan....", approved and adopted by the Board of County Commissioners in its regular meeting of January 10, 1984 as shown by the records of this office.

Given under my hand and the Seal of the
Board of County Commissioners of Palm
Beach County, Florida, at the County
Courthouse, West Palm Beach, Florida,
this the 13th day of January, A.D., 1984

JOHN B. DUNKLE, Clerk of
Circuit Court and Clerk of the
Board of County Commissioners.

By

Mrs. Jane C. Gager
Deputy Clerk

